

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|                            |   |                                   |
|----------------------------|---|-----------------------------------|
| ROBERT KARL BARGER, JR.,   | ) |                                   |
| Plaintiff,                 | ) | 2:12cv259                         |
|                            | ) | Electronic Filing                 |
| v.                         | ) |                                   |
|                            | ) | Judge David Stewart Cercone/      |
|                            | ) | Magistrate Judge Maureen P. Kelly |
| PENNSYLVANIA STATE POLICE, | ) |                                   |
| Troop A; TROOPER MCKENZIE, | ) | Re: ECF No. 43                    |
| Defendants.                | ) |                                   |

MEMORANDUM ORDER

AND NOW, this 1<sup>st</sup> day of March, 2014, after Plaintiff, Robert Karl Barger, Jr., filed a Second Amended Complaint in the above-captioned case, and after Defendant Trooper McKenzie filed a Motion to Dismiss, ECF No. 43, and after a Report and Recommendation was filed by the United States Magistrate Judge giving the parties until February 24, 2014, to file written objections thereto, and upon consideration of the objections filed by Plaintiff, ECF No. 48, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion to Dismiss submitted on behalf of Defendant Trooper McKenzie, ECF No. 43, is GRANTED, and the Second Amended Complaint is dismissed with prejudice.

IT IS FURTHER ORDERED that the Clerk of the Court mark this case CLOSED.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.



David Stewart Cercone  
United States District Judge

cc: Honorable Maureen P. Kelly  
United States Magistrate Judge

Robert Karl Barger, Jr.  
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